



Entered on Docket  
November 15, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE  
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Fourth Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based Partially Upon Investment In  
The HFAH Clear Lake, LLC Loan; Except  
for Proof of Claim of Daniel Newman; and  
Notice of Status Hearing re Daniel  
Newman**

Hearing Date: September 30, 2011  
Hearing Time: 9:30 a.m.

**November 15, 2011**  
Hearing time: 9:30 a.m.

The Court having considered the "Fourth Omnibus Objection Of USACM Trust To Proofs Of Claim Based Partially Upon Investment In The HFAH Clear Lake, LLC Loan." (HFAH Clear Lake, LLC Loan") [DE 8894] (the "Objection"); the Court having heard the

1 Objection on September 30, 2011; appropriate notice of the Objection having been given;  
2 no response to the Objection having been filed; the Court noting on the record that the  
3 disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to  
4 repayment by the borrower or from the collateral securing the HFAH Clear Lake, LLC  
5 Loan; and good cause appearing:

6 **IT IS ORDERED** that:

- 7 1. The Objection [DE 8894] is sustained; and  
8 2. The claims listed on **Exhibit A** attached, except for proof of claim of Daniel  
9 Newman, are 20% allowed and 80% disallowed to the extent those claims are based upon  
10 an investment in the HFAH Clear Lake, LLC Loan.  
11 3. Daniel Newman Proof of Claim 10725-02030 is scheduled for a status  
12 hearing pursuant to stipulation and Order [DE 9282] on November 15, 2011 at 9:30 a.m.  
13

14 PREPARED AND RESPECTFULLY SUBMITTED BY:

15 **LEWIS AND ROCA LLP**  
16

17 By /s/ John Hinderaker (AZ #018024)

18 Robert M. Charles, Jr.

19 John Hinderaker (*pro hac vice*)

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25  
26

## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: <u>Daniel Newman</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

Claim	Name	Address	Total Claim Amount	Approximate Amount Related to an Investment In the HFAH Clear Lake, LLC Loan	Amount Disallowed (80%)	Amount Allowed (20%)
10725-01682	1996 Knobel Trust Dtd 9/5/96	C/O Anna S Knobel Trustee 8919 Challis Hill Ln Charlotte, NC 28226-2687	348,006.20	45,749.98	36,599.98	9,150.00
10725-01408	Alexander Ind & As Trustees, Stanley & Florence	P.O. Box 95144 Longwood, FL 32779	400,000.00	87,500.00	70,000.00	17,500.00
10725-02207	Barcia, Daniel	1600 Picket Ct Reno, NV 89521	225,000.00	50,000.00	40,000.00	10,000.00
10725-01050	Brooks Living Trust Dtd 6/30/97	C/O Howard D & Doreen C Brooks Ttees 1894 Us Highway 50 E Ste 4-344 Carson City, NV 89701-3202	300,000.00	50,000.00	40,000.00	10,000.00
10725-01407	Cardwell Charitable Trust	C/O Michael J Dawson Esq 515 South Third St Las Vegas, NV 89101	1,549,493.61	350,000.00	280,000.00	70,000.00
10725-01401	Cardwell Family Trust	C/O Michael J Dawson Esq 515 South Third St Las Vegas, NV 89101	3,226,795.82	405,000.00	324,000.00	81,000.00
10725-01601	Clark, Donald	305 W Moana Ln Reno, NV 89509	775,918.76	109,041.10	87,232.88	21,808.22
10725-01892	Dalton Trust Dtd 1/7/94	C/O Bert A Stevenson Trustee 500 N Estrella Pkwy Ste B2 405 Goodyear, AZ 85338-4135	Unknown	Unknown	Unknown	Unknown
10725-02030	Daniel D Newman Trust Dtd 11/1/92	C/O Daniel D Newman Trustee 125 Elysian Dr Sedona, AZ 86336	1,428,037.34	70,000.00	56,000.00	14,000.00
10725-02267	Daniel Living Trust As Amended Dtd 1/9/98	Mark A & Cathy A Daniel Ttees 20 Redonda Irvine, CA 92620-1954	1,119,987.66	50,000.00	40,000.00	10,000.00